

Rec'd
For Delivery
11/4/11

Mr. Joseph Yannai
Registered # 78396-053
MDC Brooklyn
Metropolitan Detention Center
P.O. Box 329002
Brooklyn, NY 11232

Order
Mr. Schneider
is directed to
respond to this
letter within
10 days

s/Edward R. Korman

The Honorable Edward R. Korman
Senior United States District Judge
United States District Court, Eastern District of NY
225 Cadman Plaza East
Brooklyn, NY 11201

11/1/11

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

October 26, 2011

★ NOV 07 2011 ★

BROOKLYN OFFICE

Dear Judge Korman:

Four months ago you decided, without any legal, medical or ethical bases, that I had tried to commit suicide while on my way to court on what was supposed to be the last day of my trial. As a result of that decision, you made another decision, allowing the trial to continue absent my presence, knowing full well that the jurors, at least some of them, if not all, thought that I tried to commit suicide on the last day of my trial, which would have brought them to only one logical conclusion, that I was guilty. And, indeed, they came back with a guilty verdict.

This letter is not an appeal, therefore, I am not bringing any illegal, unethical and immoral decisions of yours of which I was the victim, before and during my trial. This letter is a plea to help me to receive some justice, at least, in executing my rights for a new trial.

My court appointed attorney, Mr. Michael Schneider, and other attorneys and jurists, together with medical doctors and scientists who are familiar with my case, are certain that there are ample direct and indirect facts and evidence indicating that you were wrong in deciding that I tried to commit suicide, and as a result (and not only as a result of that fact) wrong to continue my trial without me present in the courtroom. They are confident that you were especially wrong to have continued the trial after learning that at least some of the jurors (if not eventually all) thought that I had tried to commit suicide. All of these people who read the transcript of the day I collapsed and therefore did not appear in the courtroom, especially those who know you or your reputation, do not understand the reasons and justification for the vicious remarks in open court you made

against me and my wife, before you rendered those erroneous decisions, although they could have explained or described your state of mind when you made those decisions.

In spite of the above, my attorney does not believe that you will grant a new trial, regardless of how right and convincing the arguments and the facts in our motion will be. Furthermore, my attorney does not think you will adhere to the rule that states that you must deal with a motion within 30 days from the day it has been filed.

Mr. Schneider believes that you will disregard this rule ("No one will do anything to him") and on the day of the sentencing you will inform us that you deny the motion.

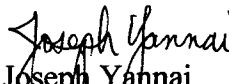

I, on the other hand, although to be honest, I do not appreciate your sense of justice and fairness, do think you are a clever man and that reading a well-prepared motion based on facts and the law will convince you that the Appellate Court will accept an appeal of ours and, therefore, you will grant us the new trial.

The problem is that Mr. Schneider uses his wrong presumption of "knowing" your Honor as an excuse to do what he likes to do most: Nothing, while I am in jail for the last 4 months. After I was released from the hospital, he visited me in jail and promised that the motion would be filed in a month's time. Then, because he did not send a completed form to the hospital, it took the hospital about two months to send my medical report, which gave Mr. Schneider an excuse to simply wait without doing anything. When I found out that he had gotten it, about 2 months ago, it took him six more weeks to contact me, weeks during which he, again, did nothing regarding my case.

We finally met 2 weeks ago, discussed the case and the motion and I was promised that certain steps regarding the motion were to be taken and that the motion would be filed in 2 weeks. No response to my letters and e-mails since and, as far as I know, only one phone call was made in preparation of the motion and no motion was filed. As you know, I am still in jail.

You appointed Mr. Schneider as my lawyer. Could you please ignore your personal feelings towards me and in the name of justice instruct Mr. Schneider, after 4 months of doing nothing, to prepare the motion to the best of his ability and file it with the Court?

Sincerely,


Joseph Yannai
POA Elena Fusillo 

cc: Chief Judge Carol Bagley Amon, US District Court, Eastern District of NY
David E. Patton, Esq., Executive Director, Federal Defenders of NY
Michael Schneider, Esq.